CAPTAIN'S CAREER COURSE

LESSON: A4-130

EO/SEXUAL HARASSMENT

TERMINAL LEARNING OBJECTIVE

- **ACTION: Implement Equal Opportunity/Sexual Harassment Policies.**
- **CONDITIONS: In a classroom, given AR 600-20 and student handouts,**
- **STANDARD: Implement equal opportunity, sexual harassment policies IAW AR 600-20.**

SAFETY, RISK, AND ENVIRONMENTAL CONCERNS

- **Safety Considerations: None**
- **Risk Assessment Level: Low**
- **Environmental Considerations: None**

PRIMARY REFERENCES

- **AR 600-20, Army Command Policy and Procedures**
- **AR 600-26, Department of the Army Affirmative Action Plan**
- **AR 690-12, Equal Employment Opportunity**
- **AR 690-600 EEO Discrimination**
- **DA Pam 350-20 Unit EO Training Guide**
- **TC 26-4 Conflict Management**

PRIMARY REFERENCES

- **TC 26-6 Commander's EO Handbook**
- **DA Pam 600-75 Accommodating Religious Practices**
- **Dodd 1350.2 Processing Religious Accommodation**
- **Dodd 7050.6 Military Whistleblower Protection**
- **MCM 1984 Manual for Courts-martial**

THE ARMY'S EQUAL OPPORTUNITY POLICY

- **Equal treatment for soldiers, family members, and civilian employees.**
- **Provide an environment free from sexual harassment.**

Applies To:

- **On and off post.**
- **Soldiers, civilian employees, and family members.**
- **Working, living, and recreational environments.**

EO PROGRAM COMPONENTS

- **Leader commitment.**
- **Sequential and progressive training.**
- **Effective and responsive complaint procedures.**
- **Affirmative Action Plan (AAP).**
- **Feedback mechanisms.**
- **Equal Opportunity Advisors.**

RELATED EO LEADERSHIP ELEMENTS

- **Military discipline and conduct.**
- **Appropriate behavior.**
- **Senior-subordinate relationships.**
- **Extremist organizations.**
- **Army language policy.**
- **Accommodating religious practices.**
- **Request for religious accommodations.**

PROGRAM PRINCIPLES

- **Commanders and Leaders are responsible for unit EO.**
- **Promote harmony, do not merely avoid disorder.**
- **Support individual and cultural diversity.**
- **Discipline will not be compromised.**
- **Fair and equal treatment for all soldiers and employees is emphasized.**

POSITIVE EO ACTION FOR LEADERS

- **Set the example.**
- **“Walk what you talk”.**
- **You, as the leader, are being watched by your subordinates.**

TRAINING AND EDUCATION

- **Semi-annual requirement.**
- **Training Materials:**
  - **Films.**
  - **Videos.**
  - **DA Pam 350-20.**
  - **TC 26-6.**
  - **Installation TASC.**
  - **Brigade/installation EOA.**

ACTIONS TO CORRECT EO PROBLEM BEHAVIORS

- On-the-spot corrections.
- Counseling - verbal and nonverbal.
- Advancement and promotions.
- Awards, training, and schools.
- Change in duties or responsibilities.
- Transfer or reassignment.
- Bar to reenlistment.
- Separation.

ARMY POLICY AND DEFINITION OF SEXUAL HARASSMENT

- **A form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:**
  - **Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career.**
  - **Submission to or rejection of such conduct by a person is made as a basis for career or employment decisions affecting that person.**
  - **Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.**

CATEGORIES OF SEXUAL HARASSMENT

- **Quid Pro Quo.**
- **Hostile environment.**

QUID PRO QUO

- **Latin term meaning: “this for that”.**
- **Placing conditions on a person’s job or terms of employment in return for sexual favors.**
- **Making promises of career advancement, promotions, or other benefits in exchange for sexual favors.**

HOSTILE ENVIRONMENT

- **Offensive, unwanted, and unsolicited comments and behaviors of a sexual nature.**
- **Most prevalent form of sexual harassment in the Army.**

SEXUAL HARASSMENT ASSESSMENT

- **Define the incident.**
- **Frequency of behavior.**
- **Victim impact.**
- **Appropriateness of behavior.**
- **Rank/position relationship.**
- **Past history.**
- **Consequences of your actions.**
- **Environment assessment.**

PREVENTION COMPONENTS

- **Leader commitment.**
- **Progressive training.**
- **Complaint process.**

ADMINISTRATIVE ACTIONS

- **Bar to reenlistment.**
- **Letter of admonishment or reprimand.**
- **Relief for cause.**
- **Rehabilitative transfer.**
- **Additional training.**
- **Required counseling.**
- **Denial of certain privileges.**

SYSTEM CONCEPT

- **A readily available system.**
- **Treats all complaints seriously.**
- **Reduce fears of reprisal or intimidation.**
- **Right to have complaints heard by the chain-of- command.**

TYPES OF COMPLAINTS

- **Formal.**
- **Informal.**

INFORMAL COMPLAINT FACTORS

- **Does not desire chain of command intervention.**
- **Desires assistance from other unit members.**
- **Confidentially is possible (but not guaranteed).**
- **Assistance not required in writing.**
- **Good chance of success.**
- **Complaint is not severe.**

FORMAL COMPLAINTS

- **Submitted in writing.**
- **Requires chain of command intervention.**
- **Reported to higher headquarters.**
- **Filed within 60 calendar days.**
- **Specific time lines for processing.**

FORMAL COMPLAINT FACTORS

- **Uncomfortable with informal process.**
- **Informal process will not resolve complaint.**
- **Attempt at informal resolution failed.**
- **Complainant desires an official record.**
- **Complaint is against a member of the chain of command.**
- **Complainant wants outside agency or higher commander involvement.**

ALTERNATIVE AGENCIES

- **A higher echelon commander.**
- **Command Equal Opportunity Advisor (EOA).**
- **Chaplain (CH).**
- **Staff Judge Advocate (SJA).**
- **Provost Marshal (PM).**
- **Inspector General (IG).**
- **Community Homefinding Referral and Relocation Services (CHRRS).**
- **Medical agency personnel.**

INQUIRY/INVESTIGATION

- **Clarify complaint with related allegations.**
- **Interview witnesses/officials.**
- **Gather, review, and analyze records/documents.**
- **Determine cause/effect of actions which lead to complaint being filed.**
- **Identify/interview technical advisors.**
- **Assess impact on command climate/mission readiness.**
- **Advise commander of leadership/management concerns.**
- **Render a decision.**

ACTIONS TO RESOLVE COMPLAINTS

- **Unsubstantiated.**
- **Substantiated.**

APPEALS PROCESS

- **Seven calendar days to acknowledge.**
- **Submit in writing.**
- **Appeal authority has 14 calendar days to respond.**
- **General Court Martial Convening Authority has final authority.**
- **No further appeals within EO complaint system.**

POLICY AGAINST INTIMIDATION, HARASSMENT, and REPRISAL

- **Prohibits any action to discourage filing EO complaints or seeking assistance with EO grievances.**
- **Prohibits disciplinary action against a complaint.**
- **Does not preclude action for fraudulent complaints or false statements.**

LEADER'S ACTIONS TO SUPPORT EO

- **Know and understand the EO Program.**
- **Take EO Program seriously.**
- **Take immediate action.**
- **Follow up on problems.**
- **Guard against reprisals.**
- **Be proactive with issues.**

CLIMATE ASSESSMENTS

- **Within 90 days of new commander assuming command.**
- **Annually thereafter.**
- **Military Equal Opportunity Climate Survey (MEOCS).**
- **Unit Climate Profile: Commander's EO Handbook (TC 26-6).**

ACTIONS TO PROMOTE POSITIVE EO CLIMATE

- **Publish policy memorandums.**
- **Promote chain of command support.**
- **Conduct unit EO assessments.**
- **Create an EO complaint process.**
- **Develop and conduct EO training.**

EXTREMIST ORGANIZATIONS AND ACTIVITIES

- **The policy.**
- **Participation.**
- **Prohibitions.**

TERMS AND DEFINITIONS

- **Supremacist: Any person(s) maintaining the ideology, quality, state of being, or position superior to all others in something.**
- **Ideology: A body of concepts, especially about human life or culture.**
- **Militia: A body of soldiers not permanently organized in time of peace. Their objective is frequently national or local government.**

TRAINING OF EXTREMIST ORGANIZATIONS AND ACTIVITIES

- The Army's Equal Opportunity Policy.
- Participation in extremist activities.
- Selections for leadership positions, etc.
- Security clearances may be removed.
- Reclassification or bar to reenlistment.
- UCMJ actions are possible.
- Involuntary separation from the Army.
- Other administrative actions possible.

SUMMARY

- **Define the Army's Equal Opportunity and Equal Employment Opportunities Policies.**
- **Define unit leader EO actions and responsibilities.**
- **Define company leader roles and responsibilities in the prevention of sexual harassment.**
- **Define the Army's equal opportunity complaint system.**
- **Define procedures for conducting a company level EO assessment.**
- **Define the Army's policy on participation in extremist activities and organizations.**